

4.12 CULTURAL RESOURCES

This section addresses known archaeological, historic, and paleontological resources in the project area as well as the potential for undocumented cultural and paleontological resources to exist on the project site. The analysis includes a description of the existing environmental conditions, research methodology, impacts associated with implementing the proposed project, and recommended mitigation measures. Findings and recommendations are based on cultural and paleontological resources investigations conducted by EDAW which included background research and an archaeological and historic architecture field survey.

Given the confidentiality requirements of the state and the California Historical Resources Information System (CHRIS), references to the locations of cultural resources sites in this Draft EIR are provided in general rather than specific terms. The cultural resources report, which identifies specific locations of archaeological sites in or near the project area, is on file for review by authorized individuals with the Central California Information Center (CCIC) of the CHRIS.

4.12.1 ENVIRONMENTAL SETTING

REGIONAL ARCHAEOLOGICAL SETTING

The earliest well-documented entry and spread of humans into California occurred at the beginning of the Paleo Indian Period (10,000–6,000 B.C.). Social units are thought to have been small and highly mobile. Known sites have been identified within the contexts of ancient pluvial lake shores and coastlines evidenced by such characteristic hunting implements as fluted projectile points and chipped stone crescent forms. Prehistoric adaptations over the ensuing centuries have been identified in the archaeological record by numerous researchers working in the area since the early 1900s, as summarized by Fredrickson (1974) and Moratto (1984).

Bearsley (1948), Lillard (1939), and others conducted numerous studies that form the core of our early understanding of upper Central Valley archaeology. Little has been found archaeologically that dates to the Paleo Indian (10,000–6000 B.C.) or the Lower Archaic time periods; however, archaeologists have recovered a great deal of data from sites occupied by the Middle Archaic period. The lack of sites from earlier periods may be attributable to high sedimentation rates that left the earliest sites deeply buried and inaccessible. During the Middle Archaic Period (3000–1000 B.C.), the broad regional patterns of foraging subsistence strategies gave way to more intensive procurement practices. Subsistence economies were more diversified, possibly including the introduction of acorn-processing technology. Human populations were growing and occupying more diverse settings. Permanent villages that were occupied throughout the year were established, primarily along major waterways. The onset of status distinctions and other indicators of growing sociopolitical complexity mark the Upper Archaic Period (1000 B.C. to A.D. 500). Exchange systems became more complex and formalized, and evidence of regular, sustained trade between groups was seen for the first time.

Several technological and social changes characterized the Emergent Period (A.D. 500–1800). The bow and arrow were introduced, ultimately replacing the dart and atlatl (a spear-throwing device). Territorial boundaries between groups became well established. It became increasingly common that distinctions in an individual's social status could be linked to acquired wealth. Exchange of goods between groups became more regularized with more goods, including raw materials, entering into the exchange networks. In the latter portion of this period (A.D. 1500–1800), exchange relations became highly regularized and sophisticated. The clamshell disk bead became a monetary unit for exchange, and increasing quantities of goods moved greater distances. Specialists arose to govern various aspects of production and exchange.

Three specific cultural manifestations are well represented in archaeological assemblages in the general vicinity of the project area. These assemblages are discussed in detail in Moratto (1984) and summarized here. The Windmill Pattern (3000–500 B.C.) of archaeological assemblages included an increased emphasis on acorn use as well as a continuation of hunting and fishing activities. Ground and polished charmstones, twined basketry,

baked clay artifacts, and worked shell and bone were hallmarks of Windmill culture. Widely ranging trade patterns brought goods in from the Coast Ranges and trans-Sierran sources as well as closer trading partners. Distinctive burial practices identified with the Windmill Pattern also appeared in the Sierra Nevada foothills, indicating possible seasonal migration into the Sierra Nevada. The Berkeley Pattern (500 B.C. to A.D. 700) represented a greater reliance on acorns as a food source than was seen previously. Distinctive stone and shell artifacts distinguished it from earlier or later cultural expressions. The Berkeley Pattern appears to have developed in the Bay Area and was spread through the migration of Plains Miwok Indians. Dating of the Berkeley Pattern varies across central California; in the Stockton region, the Windmill Pattern continued longer than in other areas, gradually giving way to the changes that marked the Berkeley Pattern and which might represent the emergence of the Northern Valley Yokuts in this area.

ETHNOGRAPHIC SETTING

Ethnographically, the Northern Valley Yokuts occupied the project vicinity—that is, the land on either side of the San Joaquin River from the Sacramento-San Joaquin River Delta to south of Mendota. The Diablo range probably marked the Yokuts’ western boundary (Wallace 1978); the eastern edge would have lain along the Sierra Nevada foothills. Yokuts occupation of the northern parts of the range may be relatively recent, as linguistic evidence points toward an earlier Miwok occupation. The Yokuts gradually expanded their range northward and clearly occupied the area during the Spanish Colonial period, as evidenced by mixed historic and prehistoric artifact assemblages. The late prehistoric Yokuts may have been the largest ethnic group in precontact California. The triblet, populated by a few hundred to a few thousand occupants, served as the basic political unit (Moratto 1984). Structures ranged from single family dwellings to multifamily communal structures and included sweat houses and ceremonial lodges.

Euro-American contact with the Northern Valley Yokuts began with infrequent excursions by Spanish explorers traveling through the Sacramento-San Joaquin Valley in the late 1700s to early 1800s. Many Yokuts were lured or captured by missionaries and scattered among the various missions. Many escaped and returned to the valley. Yokuts raiding parties targeting the Spanish (and later Mexican) cattle herds became prevalent, leading to retaliatory action by the settlers. A widespread epidemic (possibly smallpox) in 1833 decimated the Yokuts population, killing thousands of people. The influx of Europeans during the Gold Rush era further reduced the population through disease and violent relations with the miners. Although there was no gold within the Yokuts territory, miners passing through on their way to the diggings caused a certain amount of upheaval. Despite a long history of population decline and marginalization, descendants of the early Yokuts survive to this day. Many former miners who had seen the richness of the San Joaquin Valley on their way east later returned to settle and farm the area (Wallace 1978).

HISTORIC SETTING

The earliest known Europeans to travel through and settle in the San Joaquin County area were trappers with the Hudson’s Bay Company, many of whom were of French descent. Some of these early settlers inhabited the area still known today as French Camp. However, in general, these trappers and earliest European settlers had little impact on the subsequent economic, social, and cultural development of San Joaquin County and the surrounding region.

Large-scale Euro-American settlement did not occur in San Joaquin County until the development of the Mexican land grant ranches in the region. The project area is situated on what was originally the *Campo de los Franceses* land grant that was made to Guillermo Gulnac in 1843. The grant consisted of over 48,000 acres near French Camp (Beck and Haase 1974). Gulnac entered into a partnership with Captain C.M. Weber, a German immigrant. Weber had brief stays in New Orleans and Salt Lake City before making his way to Sutter’s Fort. There he was employed at the fort as an overseer and general assistant to Sutter. Weber moved to Stockton in 1847, after receiving a half interest in the rancho from Gulnac. He later purchased the other half interest and Weber actively encouraged settlement and convinced others to move to the region by offering them land (Cook 1975).

Joshua Cowell, known as the “Father of Manteca,” was one of the early American settlers in the area, having first arrived in 1862. Cowell is credited with having established dairying in the region and several of the earliest buildings in the region were also built by him. His efforts resulted in the area being named Cowell Station once the Central Pacific Railroad built a line through the region. In 1897, Cowell Station was renamed Manteca (Spanish for “lard”). The origin of the city’s present name is argued; however, many of California’s early dairymen were Azorian Portuguese, and their word *manteiga* (butter), could easily have been corrupted to the present spelling (Covello and Hillman 1985).

The first organized Manteca government consisted of a board of trade, which was a cross between a city council and a chamber of commerce. Under its direction, a volunteer fire department was organized in 1912. This earliest Manteca town government was disbanded when the failure of a local septic tank system resulted in quarantine from the State Department of Health in 1918. To fund the bond issue for the installation of a sewer system, the town was incorporated. The new city council approved several projects for the area, among them were a new jail, street signs, the purchase of a fire bell, and street curbs for Yosemite Avenue between Main Street and the Southern Pacific Railroad track (formerly the Central Pacific) (Covello and Hillman 1985).

Early utilities in Manteca included a privately owned water works, which was originally established around the turn of the century, and later sold to the city in 1928. Electricity arrived to the area in 1911 via the Sierra and San Francisco Electric Company. This utility was purchased by the Pacific Gas and Electric Company (PG&E) in 1920. The first irrigation system was constructed by the Stanislaus and San Joaquin Water Company around the turn of the century (Covello and Hillman 1985).

Agriculture and irrigation played a huge role in the growth of Manteca. Alfalfa, orchards, diversified crops, and large scale dairying operations were all instrumental to the economy. The once prevalent large grain farms were divided into smaller plots, usually forty acres in size. The increased number of farms resulted in a rapidly expanding population. Further expansion came with the creation of the South San Joaquin Irrigation District in 1909.

Much of the local industry in Manteca developed through association with agricultural activities. The dairy skimming station, which originally started in an old box car in 1896, grew to a company that produced 1,250 pounds of butter by 1915. By 1920, dairy farming was the largest enterprise in south San Joaquin County. One of the best known industries in Manteca, the Spreckles sugar mill, opened in 1918 and was one of the largest agribusinesses in San Joaquin County. During the 1930s, the Manteca Cream and Butter Company with its front room ice cream parlor, was a popular stop for motorists traveling between the Sierra and the Bay Area (Covello and Hillman 1985).

Beginning in the late 1940s and the ensuing decades, Manteca became a popular bedroom community, because of its proximity to Stockton, Tracy, and Modesto. Its growth and reputation as a burgeoning location for families to settle led to Manteca becoming known as “The Family City” (City of Manteca 2007).

INVESTIGATION METHODS

Archaeological Resources

The analysis of cultural resources within the project area was based in part on a review of previous survey and recordation efforts in the vicinity. Data from previous surveys were collected during a records search conducted by the CCIC in February 2007.

The records search included, but was not necessarily limited to, a review of the National Register of Historic Places, the California Register of Historical Resources, the *California Inventory of Historic Resources* (State of California 1976), *California Historical Landmarks* (California Department of Parks and Recreation 1996), the *California Points of Historical Interest* listing (California Department of Parks and Recreation 1992), the Historic Property Data File (Office of Historic Preservation computer list dated December 11, 2006), the California

Department of Transportation *State and Local Bridge Survey* (California Department of Transportation 1989), the *Survey of Surveys* (State of California 1989), historic General Land Office (GLO) plat maps (General Land Office 1854), and historic U.S. Geological Survey (USGS) topographic maps (USGS 1915, 1952, and 1987). The review of data by the CCIC indicated that no prehistoric or historic-era resources are known to be located in or within a one-half mile radius of the project site.

Two previously conducted cultural resource studies were listed by the CCIC as having occurred within the project area. These studies are listed below (Table 4.12-1).

Table 4.12-1 Summary of Previously Conducted Studies Within the Project Area		
Report Title	CCIC File Number	Author and Date
Cultural Resources Evaluation for the Manteca Wastewater Project	SJ-729	Chavez 1981
City of Manteca General Plan Update – Archaeological and Historical Resources Reports	SJ-4786	Windmiller and Napoli 2002
Source: Data obtained from Central California Information Center, California State University, Stanislaus, Turlock		

Four previously conducted cultural resource studies were listed by the CCIC as having occurred within a one-half-mile radius of the project area. These studies are listed below (Table 4.12-2).

Table 4.12-2 Summary of Previously Conducted Studies within One-Half-Mile Radius of Project Area		
Report Title	CCIC File Number	Author and Date
A Preliminary Cultural Resource Investigation of the South Manteca Area Plan	SJ-1900	Napton 1993
Airport Way – Yosemite Avenue Specific Plan	SJ-4896	Windmiller and Napoli 2003
Cultural Resources Investigations for the South San Joaquin Irrigation District	SJ-5309	Baloian, Baloian, and Nettles 2004
Archaeological Inventory Survey for the Manteca Annexation Project	SJ-6322	Jensen 2006
Source: Data obtained from Central California Information Center, California State University, Stanislaus, Turlock		

The records search was supplemented with a field survey performed by an EDAW archaeologist on February 15, 2007. This survey was performed utilizing pedestrian transects spaced no greater than approximately 15 meters (50 feet) apart over the project site. Ground visibility within the project site was generally less than 5% due to the presence of grasses and other vegetation that obscured the ground surface. Rodent burrows and other areas resulting from subsurface disturbance were inspected to document any potential signs of subsurface cultural resources, soils, or sediments indicative of past cultural activity. The analysis of cultural resources within the project area was also based on a review of recent cultural resources studies prepared for the *Oleander, Sundance, and Sundance 2 Development Projects Draft EIR* (City of Manteca 2006a) and the *Promenade Shops at Orchard Valley Draft EIR* (City of Manteca 2006b).

Native American Consultation

The City of Manteca (City) general plan land use designation for the project site is Commercial Mixed Use, and the project would require that the land use designation be changed to General Commercial. Consequently, this requires government-to-government consultation under the provisions of Senate Bill (SB) 18. Appropriate Native American groups and representatives were contacted regarding the proposed project. Initiation of this contact included a letter to the Native American Heritage Commission (NAHC) to request a search of the NAHC Sacred Lands Files and a list of individuals and groups who might have an interest in or knowledge of culturally sensitive areas in the project area. To date, no response has been received from the NAHC.

Survey Results

No prehistoric or historic-era materials were observed within the project site during survey efforts. Additionally, no prehistoric or historic-era sites, features, or artifacts were observed on the site surface nor were any indications of subsurface materials noted.

Irrigation-related features located at the project site (e.g. pump and well) were not depicted on any historic topographic maps reviewed during this investigation. These features were determined to postdate 1957, and were therefore not recorded during the field survey.

A paleontological resources investigation of the project site was also conducted. The project site is underlain by Holocene-age (10,000 years before present or younger) dune sand deposits (Wagner et al. 1991, Kleinfelder 2005). By definition, in order to be considered a fossil, a specimen must be more than 10,000 years old. Therefore, project-related construction activities would have no impact on paleontological resources.

4.12.2 REGULATORY SETTING

FEDERAL PLANS, POLICIES, REGULATIONS, AND LAWS

No federal plans, policies, regulations, or laws are applicable to the proposed project.

STATE PLANS, POLICIES, REGULATIONS, AND LAWS

STATE CEQA GUIDELINES

The California Environmental Quality Act (CEQA) offers guidelines regarding impacts to historic and prehistoric cultural resources. CEQA states that if implementation of a project would result in significant impacts to important cultural resources, then alternative plans or mitigation measures must be considered. However, only significant cultural resources need to be addressed. State CEQA Guidelines define a significant historical resource as “a resource listed or eligible for listing on the California Register of Historical Resources” (CRHR) (Public Resources Code Section 5024.1). A historical resource may be eligible for listing on the CRHR if it:

1. is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage; or
2. is associated with the lives of persons important in our past; or
3. embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
4. has yielded, or may be likely to yield, information important in prehistory or history.

Additionally, to be eligible for listing on the CRHR a property must possess sufficient integrity. That is, a property must retain enough physical identity to its period of significance. Integrity is evaluated in regard to the retention of materials, design, workmanship, setting, location, feeling, and association. The concept of integrity is particularly important when considering the eligibility of historic buildings and structures.

The State CEQA Guidelines also requires the consideration of unique archaeological sites (Section 15064.5). If an archaeological site does not meet the criteria for inclusion on the CRHR but does meet the definition of a unique archaeological resource as outlined in the Public Resources Code (Section 21083.2), it may be treated as a significant historical resource. Treatment options under Section 21083.2 of CEQA include activities that preserve such resources in place in an undisturbed state. Other acceptable methods of mitigation under Section 21083.2 include excavation and curation, or study in place without excavation and curation (if the study finds that the artifacts would not meet one or more criteria for defining a “unique archaeological resource”).

Public Resources Code Section 15064.5(e) of the State CEQA Guidelines requires that excavation activities be stopped whenever human remains are uncovered, and that the county coroner be called in to assess the remains. If the county coroner determines that the remains are Native American in origin, the Native American Heritage Commission (NAHC) must be contacted within 24 hours. At that time, Section 15064.5(d) of the State CEQA Guidelines directs the lead agency to consult with the appropriate Native Americans as identified by the NAHC and directs the lead agency (or applicant) to develop an agreement with the Native Americans for the treatment and disposition of the remains.

For historic buildings, Section 15064.5(b)(3) of the State CEQA Guidelines indicates that a project following the Secretary of the Interior Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings, or the Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (1995), shall mitigate impacts to a level of less than significant. Potential eligibility also rests on the integrity of the resource. Integrity is defined as the retention of the resource’s physical identity that existed during its period of significance. Integrity is determined through consideration of the setting, design, workmanship, materials, location, feeling and association of the resource.

REGIONAL AND LOCAL PLANS, POLICIES, REGULATIONS, AND ORDINANCES

CITY OF MANTECA GENERAL PLAN

The Resource Conservation Element of the City General Plan outlines goals and policies associated with cultural resources. The following policies relate to the proposed project:

- ▶ **Policy RC-P-37:** The City shall not knowingly approve any public or private project that may adversely affect an archaeological site without consulting the California Archaeological Inventory at Stanislaus State University, conducting a site evaluation as may be indicated, and attempting to mitigate any adverse impacts according to the recommendation of a qualified archaeologist. City implementation of this policy shall be guided by the California Environmental Quality Act (CEQA) and the National Historic Preservation Act (NHPA).
- ▶ **Policy RC-P-38:** The City shall require that the proponent of any development proposal in an area with potential archaeological resources, and specifically near the San Joaquin River and Walthall Slough, and on the east side of State Route 99 at the Louise Avenue crossing, shall consult with the California Archaeological Inventory, Stanislaus State University to determine the potential for discovery of cultural resources, conduct a site evaluation as may be indicated, and mitigate any adverse impacts according to the recommendation of a qualified archaeologist. The survey and mitigation shall be developer funded.

The City general plan further requires record searches unless the City determines that the proposed project area has already been sufficiently surveyed; requires archaeological surveys where probable cause exists for discovery

of archaeological resources; requires consultation, evaluation, and preparation of a monitoring plan if resources are discovered; encourages the placement of monuments or plaques to recognize historic sites and structures; and requires consultation with the county coroner if human remains are discovered.

4.12.3 ENVIRONMENTAL IMPACTS

ANALYSIS METHODOLOGY

The following analysis is based on a combination of background research and cultural resource pedestrian surveys. Potential effects are evaluated for development in the proposed project area.

THRESHOLDS OF SIGNIFICANCE

The project would cause a significant impact on cultural resources if it would:

- ▶ cause a substantial adverse change in the significance of a unique archaeological resource or a historical resource as defined in Section 21083.2 of CEQA and 15064.5 of the State CEQA Guidelines, respectively, or
- ▶ disturb any human remains, including those interred outside of formal cemeteries.

Section 15064.5 of the State CEQA Guidelines defines “substantial adverse change” as physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings. Section 21083.2 of CEQA defines “unique archaeological resource” as an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets one or more of the following criteria: (1) that it contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information; (2) that it has a special and particular quality, such as being the oldest of its type or the best available example of its type; or (3) that it is directly associated with a scientifically recognized important prehistoric or historic event or person.

Section 15064.5 of the State CEQA Guidelines defines “historical resource” as a resource (1) listed on, or determined to be eligible by the State Historical Resources Commission for listing on, the CRHR; (2) listed in a local register of historic resources or as a significant resource in a historical resource survey; or (3) considered to be “historically significant” by a lead agency as supported by substantial evidence in the record. Generally, a resource shall be considered by the lead agency to be “historically significant” if it meets any of the criteria for listing in the CRHR.

IMPACT ANALYSIS

The project would have no impact on paleontological resources because the project site is underlain by Holocene (10,000 years before present or younger) dune sand deposits. In order to be considered a fossil, a specimen must be more than 10,000 years old. Therefore, project-related construction activities would have no impact on paleontological resources. This issue will not be analyzed further in this Draft EIR.

IMPACT 4.12-1 Cultural Resources — Known Archaeological Resources. *Archival and field research has demonstrated that there are no known archaeological resources within the proposed project area. Because there are no known recorded archeological sites, features, or artifacts within the project area, the project's impact to known archeological resources would be less than significant.*

A records search conducted by the CCIC indicated that previous cultural resource investigations have been completed within and in the vicinity of the project area. However, none of those studies resulted in the identification of prehistoric resources on the project site.

The records search information was supplemented with a field survey performed by an EDAW archaeologist on February 15, 2007, consistent with the policies of the City general plan (policies RC-P-37 and RC-P-38). No archaeological resources were identified during the survey. Because there are no known recorded archeological sites, features, or artifacts within the project area, the project's impact to known archeological resources would be **less than significant**.

IMPACT 4.12-2 Cultural Resources — Known Historical Resources. *Archival and field research has demonstrated that there are no known historical resources within the proposed project area. Because there are no known historical resources within the project area, the project's impact to historical resources would be **less than significant**.*

The records search conducted by the CCIC indicated that previous cultural resource investigations have been completed within and in the vicinity of the project area. None of those studies resulted in the identification of historical resources on the project site. Historic GLO plats (General Land Office 1854) and USGS topographic maps (USGS 1915, 1952, and 1987) were also reviewed during the records search. No buildings, structures, or features were depicted within the area that encompasses the current project site.

The records search was supplemented with a field survey performed by an architectural historian and archaeologist on February 15, 2007. No historical resources were observed during the survey effort. Because there are no known historical resources within the project area, the project's impact to historical resources would be **less than significant**.

IMPACT 4.12-3 Cultural Resources — Undiscovered/Unrecorded Archaeological Sites. *Project-related construction activities may uncover or otherwise disturb previously undiscovered or unrecorded archaeological resources. If such resources were to represent "historical resources" or "unique archaeological resources" as defined by CEQA, any substantial change to or destruction of these resources would be a **potentially significant** impact.*

The potential exists for previously unidentified archaeological sites and materials to be uncovered during preconstruction or construction-related ground disturbing activities. If such resources were to represent "historical resources" or "unique archaeological resources" as defined by CEQA, any substantial change to or destruction of these resources would be a **potentially significant** impact.

IMPACT 4.12-4 Cultural Resources — Undiscovered/Unrecorded Human Remains. *Project-related construction activities could uncover or otherwise disturb previously undiscovered or unrecorded human remains. Any disturbance of human remains would be a **potentially significant** impact.*

Although no human remains have been listed or recorded in the project area, previously undiscovered human remains could be uncovered by project construction activities. Any disturbance of human remains would be a **potentially significant** impact.

4.12.4 MITIGATION MEASURES

No mitigation measures are required for the following less than significant impacts:

Impact 4.12-1: Known Archaeological Resources.

Impact 4.12-2: Known Historical Resources.

The following mitigation measures are provided for potentially significant impacts:

Mitigation Measure 4.12-3: Undiscovered/Unrecorded Archaeological Sites. Prior to the onset of project-related ground disturbing activities (e.g., land clearing), all construction personnel shall be alerted to the possibility of uncovering buried cultural resources and shall be educated by a qualified archaeologist as to identification of archaeological artifacts. If artifacts or unusual amounts of stone, bone, or shell or significant quantities of historic-era artifacts such as glass, ceramic, metal, building remains, etc. are uncovered during construction activities, work in the vicinity of the specific construction site at which the suspected resources have been uncovered shall be suspended, and the project applicant shall be immediately contacted. At that time, the project applicant shall retain a qualified professional archaeologist, who shall conduct a field investigation of the specific site and recommend measures deemed necessary for the protection or recovery of any cultural resources concluded by the archaeologist to represent significant or potentially significant resources as defined by CEQA. These measures could include, but would not necessarily be limited to, avoidance, archival research, subsurface testing, and contiguous block unit excavation. The project applicant shall implement the measures deemed necessary by the archaeologist before the resumption of construction activities within the area of the find.

Mitigation Measure 4.12-4: Undiscovered/Unrecorded Human Remains. In accordance with the California Health and Safety Code, if human remains are uncovered during ground-disturbing activities, the contractor and/or the project applicant shall immediately halt potentially damaging excavation in the area of the burial and notify the county coroner and a professional archaeologist to determine the nature of the remains. The coroner is required to examine all discoveries of human remains within 48 hours of receiving notice of a discovery on private or state lands (Health and Safety Code Section 7050.5[b]). If the coroner determines that the remains are those of a Native American, he or she must contact the Native American Heritage Commission (NAHC) by phone within 24 hours of making that determination (Health and Safety Code Section 7050[c]). Following the coroner's findings, the property owner, contractor or project applicant, an archaeologist, and the NAHC-designated Most Likely Descendent (MLD) shall determine the ultimate treatment and disposition of the remains and take appropriate steps to ensure that additional human interments are not disturbed. The responsibilities for acting upon notification of a discovery of Native American human remains are identified in California Public Resources Code Section (PRC) 5097.9.

Upon the discovery of Native American remains, the landowner shall ensure that the immediate vicinity (according to generally accepted cultural or archaeological standards and practices) is not damaged or disturbed by further development activity until consultation with the MLD has taken place. The MLD shall have 48 hours to complete a site inspection and make recommendations after being granted access to the site. A range of possible treatments for the remains, including nondestructive removal and analysis, preservation in place, relinquishment of the remains and associated items to the descendants, or other culturally appropriate treatment, may be discussed. PRC 5097.9 suggests that the concerned parties may extend discussions beyond the initial 48 hours to allow for the discovery of additional remains. The following is a list of site protection measures that the landowner shall employ:

- (1) Record the site with the NAHC or the appropriate Information Center.
- (2) Utilize an open-space or conservation zoning designation or easement.
- (3) Record a document with the county in which the property is located.

The landowner or their authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance if the NAHC is unable to identify a MLD or the MLD fails to make a recommendation within 48 hours after being granted access to the site. The landowner or their authorized representative may also re-inter the remains in a location not subject to further disturbance if they reject the recommendation of the MLD, and mediation by the NAHC fails to provide measures acceptable to the landowner. These procedures and other provisions of the California Health and Safety Code will reduce potential impacts to human remains to a less-than-significant level.

4.12.5 LEVEL OF SIGNIFICANCE AFTER MITIGATION

With implementation of the above mitigation, the project's impacts to undiscovered/unrecorded archaeological sites and human remains would be reduced to a less-than-significant level because appropriate measures would be implemented to preserve or record any previously undiscovered resources at the project site.